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## REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

October 18, 2004

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, October 18, 2004, at 2:00 p. m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by Council on Tuesday, July 6, 2004.

PRESENT: Council Members Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by The Reverend John W. Ott, Pastor, Parkway Wesleyan Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

## PRESENTATIONS AND ACKNOWLEDGEMENTS:

CITY CLERK-ACTS OF ACKNOWLEDGEMENT: Mr. Cutler offered the following resolution:

(#36874-101804) A RESOLUTION paying tribute to Mary F. Parker for 30 years of dedicated service to the Mayor and Members of City Council and its citizens as City Clerk of the City of Roanoke.

(For full text of resolution, see Resolution Book 69, Page 154.)

Mr. Cutler moved the adoption of Resolution No. 36874-101804. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

The Mayor presented a ceremonial copy of the above referenced resolution to the City Clerk and a star statue in appreciation of her 30+ years of service to the City of Roanoke.

ACTS OF ACKNOWLEDGEMENT-HOUSING/AUTHORITY: Council Member Cutler advised that on behalf of the City of Roanoke, he accepted an award which was presented by the Virginia Municipal League at its Annual Conference on Tuesday, October 5, 2004, in Alexandria, Virginia, in recognition of the City of Roanoke's Southeast by Design project.

The Mayor recognized the efforts of the Reverend David Walton, Chair, Southeast by Design project, and presented him with a star paper weight containing the City of Roanoke's branding logo.

PROCLAMATIONS: The Mayor presented a proclamation to Earl B. Reynolds, Jr., Deputy Executive Director, Roanoke Redevelopment and Housing Authority, declaring the week of October 17-23, 2004, as Childhood Lead Poisoning Prevention Week.

PROCLAMATIONS-FIRE DEPARTMENT: The Mayor presented a proclamation to Fire Chief James M. Grigsby, declaring Sunday, October 31, 2004, as Change Your Clock, Change Your Battery Day.

### CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to three requests for Closed Session.

MINUTES: Minutes of the regular meetings of Council held on Monday, August 16, 2004, and Tuesday, September 7, 2004, were before the body.

Mr. Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, and to interview applicants for a vacancy on the Architectural Review Board, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL-CITIZEN OF THE YEAR: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss the Citizen of the Year Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from Council Member Brian J. Wishneff requesting that Council convene in a Closed Meeting to discuss the performance of the City Manager, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of Council Member Wishneff to convene in Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-HUMAN DEVELOPMENT-LIBRARIES: A report of the City Clerk advising of the qualification of the following persons, was before Council.

Pam Kestner-Chappelear and Frank W. Feather for terms ending September 30, 2006, and Corinne B. Gott and Randy L. Leftwich for terms ending September 30, 2008, as members of the Human Services Advisory Board; and

Lauren D. Saunders and Owen C. Schultz as members of the Roanoke Public Library Board, for terms ending June 30, 2007.

Mr. Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

### REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: See page 362.

ITEMS RECOMMENDED FOR ACTION:

**POLICE DEPARTMENT-BUDGET-GRANTS:** The City Manager submitted a communication advising that the Bulletproof Vest Partnership Grant Act of 2001, enacted by the 107<sup>th</sup> United States Congress, provides funds to eligible law enforcement agencies for the purchase of bulletproof vests; the grant program is managed by the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance and provides 50 per cent reimbursement for eligible vest purchases; and on June 8, 2004, the City of Roanoke was awarded a multi-year grant totaling \$37,878.00 for bulletproof vests purchased jointly by the Roanoke Police Department and the Sheriff's Office during fiscal year 2004-08.

The City Manager recommended that Council accept the Bulletproof Vest Partnership Grant and that she be authorized to execute agreements related to the grant, said agreements to be approved as to form by the City Attorney; authorize the Director of Finance to establish a revenue estimate in the Grant Fund in the amount of \$37,878.00; appropriate \$37,878.00 as follows and establish corresponding revenue estimates in accounts to be established by the Director of Finance in the Grant Fund:

<u>Division</u>	<u>Account Name</u>	<u>Object Code</u>	<u>Amount</u>
Police Department	Wearing Apparel	2064	\$27,979.00
Sheriff's Office	Expendable Equipment	2035	9,900.00

Mr. Fitzpatrick offered the following ordinance:

(#36875-101804) AN ORDINANCE to appropriate funds for the Bulletproof Vest Partnership Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 155.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36875-101804. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36876-101804) A RESOLUTION accepting the Bulletproof Vest Partnership Grant made to the City by the Department of Justice, Office of Justice Programs, and authorizing execution of any required documentation approved as to form by the City Attorney.

(For full text of resolution, see Resolution Book No. 69, Page 156.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36876-101804. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

LEASES-COMMONWEALTH OF VIRGINIA BUILDING: The City Manager submitted a communication advising that on July 1, 1985, the City began leasing space in the Commonwealth Building, located at 210 Church Avenue, S. W., to the Commonwealth of Virginia, Department of General Services/Division of Engineering and Buildings; the Department of General Services located several departments of the Commonwealth on the ground, first and third floors of the property; original lease term is 20 years and expires on June 30, 2005;

the Department of General Services (DGS) has requested an amendment to the current Lease Agreement; and DGS wishes to amend the term of the current agreement to extend the term by one year, which will change the expiration date to June 30, 2006.

It was further advised that the Commonwealth of Virginia is currently undergoing an analysis of property management functions; DGS is exploring a more efficient manner in which to manage its assets and is considering a different approach to providing the space needed for various agencies located in the Roanoke Valley; DGS is exploring the option of consolidating many agencies into one new facility; and extending the term of the lease agreement will permit DGS time to plan and construct a new facility to further consolidate those agencies located in the Commonwealth Building and throughout the Roanoke Valley.

It explained that DGS currently pays \$3.96 per square foot, plus operating expenses; fiscal year 2003–2004 generated \$329,257.26 in total revenue, which is the equivalent of \$10.51 per square foot; and the proposed amendment will allow DGS to continue leasing space in the Commonwealth Building for an additional year using the current rental rate, which is \$3.96 per square foot, plus operating expenses and capital maintenance charges.

The City Manager recommended that she be authorized to execute the appropriate documents, to be approved as to form by the City Attorney, to amend the Lease Agreement dated March 28, 1984, to extend the term of the lease by one year for the Commonwealth Building, said proposed amendment to be in accordance with provisions as set forth in the amendment.

Mr. Fitzpatrick offered the following ordinance:

(#36877–101804) AN ORDINANCE authorizing the City Manager to execute an amendment to the Lease Agreement dated July 1, 1985, which term expires June 30, 2005, between the City of Roanoke and the Commonwealth of Virginia Department of General Services, to extend the term of the current lease agreement by one year, with an expiration date of June 30, 2006, for office space in the Commonwealth Building, located at 210 Church Avenue, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 157.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36877–101804. The motion was seconded by Mr. Dowe.

Question was raised as to whether the Commonwealth of Virginia, Department of General Services, is looking for a new facility to house certain State agencies that are currently housed in the Commonwealth Building.

The City Manager responded that the City is not clear on their intentions; however, the proposed Social Security Administration Building which has been under discussion for some time and involves the consolidation of various activities, some of which are consolidating State agencies into a single location, plans to locate at the site of the new Social Security Office. Insofar as plans to consolidate other offices, she stated that the City has received no information to date, however, City staff will make the appropriate inquiries.

Council Member Lea advised that he is employed by the Virginia Department of Corrections and manages the Audit Probation and Parole Office which is located in the Commonwealth Building. Therefore, he inquired if he should abstain from voting on the above referenced ordinance.

The City Attorney responded that there is no basis for a conflict of interest under the Virginia Conflict of Interest Act.

Ordinance No. 36877-101804 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

**BUDGET-PARKING FACILITIES-BRIDGES:** The City Manager submitted a communication advising that Council awarded contracts on June 17, 2002, to Hayes, Seay, Mattern & Mattern, Inc., and Mattern & Craig, Inc., for the three-year Bridge Inspection Program, which could provide for inspection of parking garages; each year is negotiated based on inspections for that year; Council approved Amendment No. 2 on July 6, 2004, for Year 3 for the bridges and overhead signs, however, four parking garages should also be inspected as part of the program; Hayes, Seay, Mattern & Mattern, Inc., has agreed to inspect two parking garages (Church Avenue and Williamson Road) at a cost of \$15,850.00; Mattern & Craig, Inc., has agreed to inspect two parking garages (Tower and Market Square) at a cost of \$8,600.00; and since costs for Amendments Nos. 3, together with prior amendments, exceed 25 per cent of the original contract amount for each contract, approval by Council is required.

It was further advised that funding is available in the following accounts:

\$8,700.00	Church Avenue Parking Garage - 007-540-8220-2050
\$7,150.00	Williamson Road Parking Garage - 007-540-8205-2050
\$3,500.00	Market Square Parking Garage - 007-540-8215-2050
\$5,100.00	Tower Parking Garage - 007-540-8225-2050

The City Manager recommended that she be authorized to execute separate Amendments Nos. 3 for the above referenced additional engineering services; i.e.: Amendment No. 3 with Hayes, Seay, Mattern & Mattern, Inc., in the amount of \$15,850.00 and Amendment No. 3 with Mattern & Craig, Inc., in the amount of \$8,600.00.

Mr. Dowe offered the following resolution:

(#36878-101804) A RESOLUTION authorizing the City Manager's issuance and execution of Amendment No. 3 to the City's Three Year Bridge Inspection Contract with Hayes, Seay, Mattern & Mattern, Inc., for additional engineering services to include the inspection of the Church Avenue and Williamson Road parking garages.

(For full text of resolution, see Resolution Book 69, Page 158.)

Mr. Dowe moved the adoption of Resolution No. 36878-101804. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36879-101804) A RESOLUTION authorizing the City Manager's issuance and execution of Amendment No. 3 to the City's Three Year Bridge Inspection Contract with Mattern & Craig, Inc., for additional engineering services to include the inspection of the Tower and Market Square parking garages.

(For full text of resolution, see Resolution Book No. 69, Page 159.)

Mr. Dowe moved the adoption of Resolution No. 36879-101804. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

CITY ATTORNEY: NONE.

DIRECTOR OF FINANCE: NONE.

REPORTS OF COMMITTEES:



BUDGET-SCHOOLS: A report from the Roanoke City School Board requesting appropriation of the following funds was before Council:

- \$724,530.00 for the Title I Winter program to provide remedial reading, language arts and mathematics instruction for students in targeted schools, said continuing program to be 100 per cent reimbursed by Federal funds;
- \$12,500.00 for the Title I Even Start Family Literacy Grant to provide staff and funding for parental and preschool workshops for family literacy efforts at the preschool and adult education levels, said continuing program to be 100 per cent reimbursed by Federal funds;
- \$76,300.00 for the Title I School Improvement program at Roanoke Academy for Mathematics and Science; the program will aid the school division in its efforts to provide strategies to increase student learning at low-performing schools, said continuing program to be 100 per cent reimbursed by Federal funds;
- \$8,946.00 for the 2004-05 Title II, Part A (formerly Class Size Reduction Initiative and Eisenhower) to provide funds for the placement of classroom teachers in grades one through three throughout the school district to reduce class size and for teacher and principal training, said continuing program to be 100 per cent reimbursed by Federal funds;
- \$19,854.00 for the 2005 Title III Grant to provide services to students with limited English proficiency and to immigrant children, said continuing program to be Federally funded on a reimbursement basis;
- \$160,803.00 for the 2004-2005 Governor's School program to provide instruction in science and math to high school students, said continuing program to be funded with State funds and tuition collected from participating school districts;
- \$6,575.00 for the Roanoke Adolescent Health Partnership to provide for medical services to Roanoke City Schools in conjunction with the City of Roanoke Health Department and Carilion Health Systems, said continuing program to be reimbursed by donations from Carilion Health Systems;
- \$6,500.00 for the Homeless Assistance program to provide instructional services to homeless students, said continuing program to be reimbursed by Federal funds;

- \$52,000.00 for the purchase of school instructional technology equipment, which will enable students in the elementary grades to take the Standards of Learning (SOL) on line, said continuing program to be reimbursed 100 per cent by State bond funds; and
- \$39,988.00 for the purchase of new scientific and graphing calculators, to be used by middle and high school students to implement the statewide Standards of Learning assessment programs for Geometry in grades eight through ten, said new program to be funded with Federal funds.

The Director of Finance submitted a report recommending that Council concur in the requests of the School Board.

Mr. Dowe offered the following ordinance:

(#36880-101804) AN ORDINANCE to appropriate funding for various grants and donations, amending and reordaining certain sections of the 2004-2005 School Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 159.)

Mr. Dowe moved the adoption of Ordinance No. 36880-101804. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

ACTS OF ACKNOWLEDGEMENT-CITY EMPLOYEES: Mr. Dowe offered the following resolution:

(#36881-101804) A RESOLUTION thanking the employees of the City of Roanoke and expressing gratitude to the citizens of Roanoke for their outstanding response to alleviate the devastation caused by flooding in the aftermath of Hurricane Jeanne.

(For full text of resolution, see Resolution Book No. 69, Page 164.)

Mr. Dowe moved the adoption of Resolution No. 36881-101804. The motion was seconded by Mr. Fitzpatrick.

Council Member Cutler advised that an expression of appreciation is also in order for employees of the Western Virginia Water Authority.

Resolution No. 36881-101804 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

Reference was made to a recent comment by an adjuster representing the National Flood Insurance Program regarding his assignment in the City of Roanoke to process claims submitted by the City as a result of Hurricane Jeanne. It was noted that the claims adjuster commended City staff and citizens on the manner in which clean up efforts were addressed and the documentation of flood damage through photographs that demonstrated the magnitude of the flood event in the Roanoke area.

#### MOTIONS AND MISCELLANEOUS BUSINESS:

#### INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

COMPLAINTS-DRUGS/SUBSTANCE ABUSE-SCHOOLS: Council Member Lea expressed opposition to the proposed methadone clinic at Hershberger and Cove Roads. He conveyed a concern that the company responsible for operation of the methadone clinic has chosen to locate the treatment facility in an area that is surrounded by schools and advised that if the company wishes to be accepted in the Roanoke community, it should reconsider the proposed location. He added that heroin, OxyContin and other opiate drugs are not heavily used in the Roanoke area, therefore, the proposed methadone clinic is a business venture. Even though legally the City cannot take any action to prevent the location of the clinic at the proposed location, he asked that Council Members consider the impact that the facility and its proposed location will have on the residents of the Hershberger and Cove Roads area, and encouraged representatives of the methadone clinic to meet with City representatives to clear up rumors and/or misunderstandings in the community. He suggested that the methadone clinic be explored from a regional perspective.

Council Member Dowe concurred in the remarks of Mr. Lea and stated that it is hoped that Mr. Lea's remarks will lead to further discussion between City representatives, methadone clinic representatives and the Hershberger/Cove Roads neighborhood.

Council Member Wishneff also concurred in the remarks of Mr. Lea and encouraged representatives of the proposed methadone clinic to engage in further dialogue with City representatives with regard to other potential locations for the facility.

The Mayor joined with his colleagues on Council in their sentiments regarding the methadone clinic and advised that there will be continuing dialogue on the issue. He reiterated that the City of Roanoke is legally prohibited from taking any type of action that will prevent the facility from locating at the Hershberger/Cove Roads site.

**SPORTS ACTIVITIES:** Council Member Dowe commended Roanoke's hockey fans who have shown that they will support hockey in the Roanoke Valley because professional sports, regardless of the venue, are important for the economic development and vitality of the region.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

**POLICE DEPARTMENT-TRAFFIC-ARMORY/STADIUM:** Mr. Chris Craft, 1501 East Gate Avenue, N. E., called attention to motorists exceeding the speed limit on King Street, N. E., and requested that the City enforce the speed limit and erect the appropriate signage. He also requested that the City of Roanoke continue to maintain Victory Stadium and encouraged the Stadium Study Committee to vote in favor of renovating Victory Stadium.

**ARMORY/STADIUM:** Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, commended the City on its clean up efforts at Victory Stadium as a result of Hurricane Jeanne. He stated that Victory Stadium has meant a lot to the citizens of Roanoke, and to the economy of downtown Roanoke, and erection of the flood wall is the answer to saving Victory Stadium. He spoke in support of the proposal of Vice-Mayor Fitzpatrick regarding a downtown trolley system.

**COMPLAINTS-HOUSING/AUTHORITY:** Ms. Helen E. Davis, 35 Patton Avenue, N. E., referred to a recent visit by Dr. Mindy T. Fullilove, Professor of Public Health, Columbia University, and author of the book entitled, *Root Shock, How Tearing Up City Neighborhoods Hurts America and What We Can Do About It*. She stated that Dr. Fullilove's book describes root shock as a dramatic stress reaction that people experience when their homes are disturbed by redevelopment and details how Roanoke's destruction of northeast and most of the Gainsboro neighborhood in order to build I-581, the Civic Center and other economic development projects continue to hurt the African-American community. She expressed concern that Dr. Fullilove was not afforded the appropriate recognition when she visited the City of Roanoke earlier this year.

The Mayor advised that a copy of Dr. Fullilove's book was provided to each member of Council and if Dr. Fullilove returns to the community, a more substantive meeting will be held.

The City Manager advised that during Dr. Fullilove's visit, City staff arranged for tours of various neighborhoods and staff also participated in various neighborhood activities.

DRUGS/SUBSTANCE ABUSE-BRIDGES-ARMORY/STADIUM: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., congratulated the City Clerk on 30 years of service to the City of Roanoke. She commended Council Members Lea and Wishneff on their efforts to save Victory Stadium and Council Member Lea on his comments regarding the proposed methadone clinic on Hershberger Road. She also spoke in regard to the briefing on the suggested signage for the Dr. Martin Luther King, Jr., Bridge which will be held in the Council's Conference Room following completion of agenda items and advised that it will be a disservice to the community if the briefing is not held in the Council Chamber where it can be televised.

#### CITY MANAGER COMMENTS:

PUBLIC WORKS: The City Manager called attention to leaf mulching which is an alternative to raking or blowing leaves; however, if citizens choose to bag or to participate in the City's loose leaf collection program, the schedule for leaf collection will be posted on the City's website. She asked that citizens be aware of how leaves can impact their safety.

CITY MANAGER: The City Manager commended Assistant City Manager for Community Development Rolanda B. Russell and Assistant City Manager for Operations George C. Snead, Jr., for their supervision of City activities while she visited Roanoke's Sister City, Wonju, Korea, on October 5-16, 2004.

At 3:30 p.m. the Mayor declared the Council meeting in recess for one Closed Session and a briefing by the City Manager.

BRIDGES: The Council meeting reconvened in the Council's Conference Room at 4:15 p.m., for a briefing on signage for the Dr. Martin Luther King, Jr., Bridge, with all Members of the Council in attendance, Mayor Harris presiding.

Rolanda B. Russell, Assistant City Manager for Community Development, advised that Council was previously provided with an update on the Dr. Martin Luther King, Jr. Bridge and recommendations submitted by the Dr. Martin Luther King, Jr. Committee. She stated that during the briefing, a question was raised in regard to signage and medallions on the front of the First Street Bridge; therefore, the purpose of the briefing was to obtain guidance from Council in regard to the type of signage, location, size, etc. She presented two drawings that were previously prepared by Hayes, Seay, Mattern and Mattern for review by Council.

Discussion by Council:

- There should be a grand entrance rather than a half girder that spans the entire bridge, similar to China Town in San Francisco, that would demonstrate the kind of dignity that characterized Dr. King.
- Small pedestals could be installed that would include various facts about Dr. King's life.
- There should be an entrance to the bridge that mirrors each end symmetrically – something that pulls the visitor in.
- Audio features could be installed on each of the pedestals that could start within 40 feet of Salem Avenue and span the entire bridge.
- Brass or bronze plaques could be used to describe certain critical points in Dr. King's life.
- Art students from Patrick Henry and William Fleming High Schools could be invited to submit proposed designs for signage.
- Design of the bridge should be done in a cohesive manner.
- The architect/artist should be encouraged to review the type of design that would be appropriate for the era in which the First Street Bridge was constructed.
- Medallions should be installed on the front of the masonry wall, with signage that could be seen when approaching the bridge (For example: the sign that spans the border between Tennessee and Virginia).
- Signage should be of a type of intricate fabrication or illuminated to indicate that the bridge is a major and significant monument in the City of Roanoke.
- Design alternatives should be suggested in addition to brick.

Ms. Russell advised that the Dr. Martin Luther King, Jr. Committee has proposed a design that is somewhat understated, with two medallions to be placed on a masonry pier at each end of the bridge. She stated that the Committee will meet in November to discuss a Request for Proposal to design the sculpture and the medallions, and the goal of the Council briefing was to receive input from Council before the Committee proceeds too far in its assignment.

Following discussion, it was the consensus of Council that the medallions proposed to be placed on the brick pillars at each end of the bridge would be appropriate as long as the medallions are historically correct. City staff was requested to prepare two to three conceptual renderings of signage that will span the bridge.

The Council convened in Closed Session at 4:30 p.m., in the Council's Conference Room.

At 5:50 p.m., the Council meeting reconvened in the City Council Chamber, with all members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Dowe moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0

OATHS OF OFFICE-HOUSING/AUTHORITY: The Mayor advised that there are vacancies on the Roanoke Redevelopment and Housing Authority created by expiration of the terms of office of H. Victor Gilchrist and James W. Burks, Jr., on August 31, 2004; whereupon, he opened the floor for nominations to fill the vacancies.

Mr. Fitzpatrick placed in nomination the names of James A. Allen and Mornique E. Smith.

There being no further nominations, Mr. Allen and Ms. Smith were appointed as Commissioners of the Roanoke Redevelopment and Housing Authority, for terms ending August 31, 2008, by the following vote:

FOR MR. ALLEN AND MS. SMITH: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

OATHS OF OFFICE-ARCHITECTURAL REVIEW BOARD: The Mayor advised that the four year term of office of Robert N. Richert a member of the Architectural Review Board expired on October 1, 2004; whereupon, he opened the floor for nominations to fill the vacancy.

The following names were placed in nomination: Robert N. Richert and Lora Katz.

There being no further nominations, Mr. Richert was reappointed as a member of the Architectural Review Board, for a term ending October 1, 2008, by the following vote:

FOR MR. RICHERT: Council Members McDaniel, Cutler, Dowe, Fitzpatrick, and Mayor Harris-----5.

FOR MS. KATZ: Council Members Lea and Wishneff:-----2.

At 5:55 p.m., the Mayor declared the Council meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, October 18, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Brenda L. McDaniel, Brian J. Wishneff (arrived late), M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea and Mayor C. Nelson Harris-----7.

ABSENT: -----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

#### PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, October 18, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Diana M. Aesy that four tracts of land located on Hollins Road and Georgia Avenue, N. E., identified as Official Tax Nos. 3061113, 3061114, 3061301, and 3061302, be rezoned from LM, Light Manufacturing District, to CN, Neighborhood Commercial District, the matter was before the body.



Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, October 1, 2004 and Friday October 8, 2004.

The City Planning Commission submitted a written report advising that City staff believes that CN, Commercial Neighborhood District, is an appropriate rezoning for the subject parcels; the two existing structures are commercial in their building design and uses historically; the petitioner is not proposing changes of use for either structure; the rezoning will create conforming principal permitted uses and increase the likelihood of reinvestment in the subject parcels; permitted uses and development standards in the CN District ensure that future uses will be of a scale and intensity that will be compatible with the surrounding residential uses; neither site is developed in a consistent manner with design principles outlined in *Vision 2001-2020*; currently, the sites lack curbing on the periphery of the parking lot and definitive curb cuts along Georgia Avenue; the sites have minimal landscaping buffer; and future physical improvements, such as adding curbing and a landscaping buffer, would create a desirable edge between the subject parcels and the public right-of-way.

The City Planning Commission recommended that Council approve the request for rezoning, given that the petition creates conforming uses and further promotes potential revitalization of the subject parcels.

Mr. Dowe offered the following ordinance:

(#36882-101804) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 306, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 166.)

Mr. Dowe moved the adoption of Ordinance No. 36882-101804. The motion was seconded by Mr. Fitzpatrick.

Ms. Diana M. Aesy, petitioner, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36882-101804 was adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Wishneff was not in the Council Chamber when the vote was recorded.)

**ZONING:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, October 18, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Pheasant Ridge Real Estate Holdings, L.L.C., to amend proffered conditions presently binding upon a tract of land located on Pheasant Ridge Road, S. W., identified as Official Tax No. 5460124, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, October 1, 2004, and Friday October 8, 2004.

The City Planning Commission submitted a written report advising that the subject parcel is an 11.9 acre vacant tract of land located on Pheasant Ridge Road (private); the subject parcel is one of seven parcels subdivided from a 49.23 acre parent tract, Official Tax No. 5460101; and Ordinance No. 36815 conditionally rezoned Official Tax No. 5460101 to C-1, Office District, in February 1996, for the purpose of developing a continuum care facility to include a nursing home, congregate home for the elderly and multifamily units for the elderly.

It was further advised that Ordinance No. 32815, adopted in February 1996, includes a proffered site plan showing the development of nine two-family detached units and one medical care facility/clinic on a portion of the parent tract, Official Tax No. 5460101; the petitioner requests amendment of the proffered conditions in order to construct an approximately 96-unit multifamily, independent living facility and two buildings that may be used for general and professional offices, medical offices, and/or medical clinics; and the petitioner intends to build the independent living facility first and the office building in subsequent phases.

The City Planning Commission recommended that Council approve the proposed amendment of proffered conditions, and advised that the proposed amendment of proffers will result in an appropriate set of land uses and pattern of buildings similar in scale, siting, and material as those that exist on other portions of the development.

Mr. Dowe offered the following ordinance:

(#36883-101804) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 546, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally zoned C-1, Office District, and dispensing with the second reading of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 167.)

Mr. Dowe moved the adoption of Ordinance No. 36883-101804. The motion was seconded by Mr. Fitzpatrick.

Hunter D. Smith, Spokesperson, Pheasant Ridge Real Estate Holdings, L.L.C., appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36883-101804 was adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Fitzpatrick, Lea, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, October 18, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of CHS, Inc., that a portion of 22<sup>nd</sup> Street and Yellow Mountain Road, S. E., adjacent to property identified as Official Tax No. 4060601, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, October 1, 2004, and Friday October 8, 2004.

The City Planning Commission submitted a written report advising that the petitioner requests vacation of a 4,992 square foot portion of unimproved right-of-way adjoining the northeast side of Official Tax No. 4060601 at Yellow Mountain Road and 22<sup>nd</sup> Street, S. E.

The Planning Commission recommended that Council approve the request, subject to certain conditions; and that the petitioner be charged \$3.00 per square foot (\$14,976.00) for the right-of-way, with closure of the right-of-way to be contingent upon payment of the above referenced amount.

Mr. Fitzpatrick offered the following ordinance:

(#36884-101804) AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 169.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36884-101804. The motion was seconded by Mr. Dowe.

David C. Helscher, Attorney, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36884-101804 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, October 18, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of CHS, inc., that property located on McClanahan Street and Crystal Spring Avenue, S. W., identified as Official Tax Nos. 1040902 and 1040905, be rezoned from C-1, Office District, to INPUD, Institutional Planned Unit Development District, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, October 1, 2004, and Friday October 8, 2004.

The City Planning Commission submitted a written report advising that the two parcels of land occupy an approximately 2.83-acre city-block bordered by Rosalind Avenue, McClanahan Street, Crystal Spring Avenue, and Evans Mill Road; and surrounding zoning is C-1, Office District.

It was further advised that City staff believes the rezoning is an appropriate application of the INPUD, Institutional Planned Unit Development District; the rezoning will allow the petitioner to maximize the development potential of the site by providing greater flexibility in regard to lot coverage and building setbacks and create a compatible campus-development within the block; proposed uses of medical clinics/medical offices listed on the development plan ensure that the uses on the site will be compatible with the surrounding uses in the C-1, Office District; and the proposed height and mass of the new structure is in character with adjacent development across Rosalind Avenue and along McClanahan Street.

The City Planning Commission recommended that Council approve the request for rezoning, given that the petition promotes a coordinated development pattern.

Mr. Dowe offered the following ordinance:

(#36885-101804) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 104, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 171.)

Mr. Dowe moved the adoption of Ordinance No. 36885-101804. The motion was seconded by Mr. Fitzpatrick.

Robert B. Manetta, Attorney, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

Question was raised if parking could be made available in the proposed parking garage for persons using the River's Edge Sports Complex during the evening hours; whereupon, Mr. Manetta advised that the matter was discussed during the initial rezoning, and further discussion could occur if such is deemed appropriate by the City.

There being no further discussion by Council Members, Ordinance No. 36885-101804 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

BRIDGES-GREENWAY SYSTEM-ISTEA: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, October 18, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to consideration of previously received applications for Federal funds made available through the Virginia Department of Transportation for transportation enhancement projects in Fiscal Year 2004-2005, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, October 8, 2004.

The City Manager submitted a communication advising that the Federal Surface Transportation Program is in the process of Congressional reauthorization, which is expected to continue funding for Transportation Enhancement activities that strive to promote mobility, protection of the human and natural environment, community preservation, sustainability, and livability; traditionally, the program has been funded through a requirement that State Departments of Transportation set aside ten per cent of their Surface Transportation Program (STP) allocation each year for transportation enhancement activities; activities include such things as facilities for pedestrians and bicycles (such as greenways) and rehabilitation of historic transportation buildings; and the Virginia Department of Transportation (VDOT) advertised and held an applicant workshop on the TEA - 21 enhancement program on July 30, 2004, at which time citizens and public officials were offered the opportunity to ask questions and to learn about the program.

It was further advised that any group or individual may initiate projects; however, Council and the Metropolitan Planning Organization must endorse applications prior to submittal to VDOT by the applicant by November 1, 2004; and two enhancement project applications have been received for the Roanoke River Greenway and the Dr. Martin Luther King, Jr., Memorial Bridge Enhancements.

It was explained that Council resolutions that would endorse project applications require, according to VDOT, that the City of Roanoke agree to be liable for a minimum of 20 per cent of the total cost for planning and design, right-of-way and construction of the project, and if the City subsequently elects to cancel a project, the City agrees to reimburse VDOT for the total amount of any costs expended by VDOT through the date of cancellation of the project; project funding summaries, including the proposed source of the local match, is described in an attachment to the communication; an agreement to be executed between the City of Roanoke and a project applicant will require the applicant to be fully responsible for matching funds, and, if the project is canceled, the agreement will require the applicant to reimburse the City for all amounts due to VDOT.

The City Manager recommended that Council endorse, by separate resolutions, project applications which are summarized in attachments to the communication and agree to pay the respective percentages of the total cost for each project; if the City elects to cancel the project, the City would reimburse VDOT for the total amount of costs associated with any work completed on the projects through the date of cancellation notice; authorize the City Manager to execute City/State Agreements for project administration, subject to approval of project applications by VDOT; and authorize the City Manager to execute a legally binding agreement with project applicants, subject to approval of the application by VDOT, that will require each applicant to be responsible for matching funds, as well as all other obligations undertaken by the City by virtue of the City/State Agreement.

Mr. Dowe offered the following resolution:

(#36886-101804) A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project for the Roanoke River Greenway.

(For full text of resolution, see Resolution Book No. 69, Page 173.)

Mr. Dowe moved the adoption of Resolution No. 36886-101804. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

The City Manager called attention to an application from the Virginia Railway Passenger Station which was previously forwarded to the Commonwealth Transportation Board and does not require further action by Council, and noted that three applications will be submitted by the City. She stated that representatives of the Virginia Railway Passenger Station have requested \$213,600.00, with a local match of \$53,400.00, for total of \$267,000.00 to be used for stabilization of the structure, including repair of the roof.

Question was raised if the gift of the Passenger Railway Station by Norfolk Southern to the Roanoke Valley Railway Historical Society constitutes a local match; whereupon, the City Manager responded that she would raise the question with the appropriate officials.

Vice-Mayor Fitzpatrick made the observation that two applications have previously been submitted in the same amount by the Virginia Railway Passenger Station and both applications were denied by the Commonwealth Transportation Board. He stated that if the amount of funds to be requested were reduced, there might be a greater chance of grant approval.

There being no further discussion by Council Members, Resolution No. 36886-101804 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36887-101804) A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project for the Dr. Martin Luther King, Jr., Memorial Bridge.

(For full text of resolution, see Resolution Book No. 69, Page 174.)

Mr. Dowe moved the adoption of Resolution No. 36887-101804. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

#### UNFINISHED BUSINESS:

COMMUNITY PLANNING-ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN-WRABA: The City Planning Commission submitted a communication advising that on August 16, 2004, Council held a public hearing and considered adoption of the Williamson Road Area Plan, at which time Council voted to table the matter until Monday, October 18, 2004, to allow for additional discussion with members of the Williamson Road Area Business Association (WRABA), the matter was before the body.

The Planning Commission advised that following Council's action, WRABA appointed a committee to develop specific comments on the Plan; Planning staff received a list of comments from the Committee on September 10, 2004; staff met with Committee representatives on September 21, 2004, to discuss comments and preliminary responses by staff; and Planning Staff carefully reviewed all written and verbal comments and developed an itemized response, which revisions were transmitted to Council and presented to WRABA and WRAF leadership on or around October 1, 2004.

It was further advised that Planning staff met with WRABA representatives on Monday, October 11, 2004, at which time additional changes to the proposed plan were agreed to regarding future use designations; the most notable change identified at the October 11<sup>th</sup> meeting was to broaden the scope and application of the "Small and Medium Scale Commercial" designation on the Future Land Use Plan; with this change, the "General Commercial" designation is no longer needed and has been deleted; and additional wording changes were made as follows:

- (Page 14, Paragraph 1): Rewording
- (Page 15, Paragraph 4): Deleted the word "necessary"
- (Page 44, Paragraph 1): Rewording

Vice-Mayor Fitzpatrick moved that the matter be removed from the table. The motion was seconded by Mr. Dowe and unanimously adopted.

Mr. Cutler offered the following ordinance:



(#36888-101804) AN ORDINANCE approving the Williamson Road Area Plan, and amending Vision 2001 – 2020, the City's Comprehensive Plan, to include the Williamson Road Area Plan; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book 69, Page 175.)

Mr. Cutler moved the adoption of Ordinance No. 36888-101804. The motion was seconded by Mr. Fitzpatrick.

R. Brian Townsend, Director, Planning, Building and Development, advised that following Council's public hearing on Monday, August 16, 2004, City staff received substantive comments from the Williamson Road Area Business Association and others and met with representatives of the organization on September 21 and October 11, at which time final changes were made to the draft plan. He reviewed the following amendments:

- There is an amendment to the future land use plan providing for small and medium scale commercial land use designation along the entire length of the corridor along Williamson Road, except for certain instances involving large car dealerships on the southern end of the corridor.
- There are now three land use categories, small and medium scale commercial, large scale commercial designation did not change and applies to large land uses such as car dealerships, Valley View Mall and commercial sites of that size.
- Wording on Page 14 of the Plan was revised to reflect changes to certain street design language that was contained in the initial draft of the Plan with regard to the relationship between bicycle transportation and vehicular transportation along the Williamson Road corridor. A similar change was made on Page 15 in regard to the provision of parking.
- Graphics were added that more clearly define or illustrate the intent of the Plan.
- A change was made on Page 44 to the designation of the Plantation and Liberty Roads intersection by removing the reference to a small village center.
- A change was made on Page 37, which is the description of small and medium scale commercial, to reflect changes identified on the future land use plan.

- Any reference to the definition of general commercial was stricken from Page 37.

The Mayor inquired if there were persons who would like to speak in connection with the Williamson Road Area Plan.

Warren Via, President, Williamson Road Area Business Association, expressed appreciation for the opportunity to review the proposed changes to the Plan. He stated that following several meetings with City staff, resolution was reached; and WRABA believes that the Plan is now more representative of the interests of residents and business persons in the area. He stated that WRABA looks forward to working with City staff on future zoning issues in the Williamson Road area and other joint efforts.

Linda B. Plunkett, Executive Director, Williamson Road Area Business Association (WRABA), advised that at the public hearing on August 16, 2004, WRABA was asked to prepare specific suggested changes to the Williamson Road Area Plan to reflect the position of neighborhood and business interests along the corridor; and a WRABA committee was appointed to review the proposed Plan and recommend specific changes.

She stated that principles that guide the proposed changes to the Plan are:

- Williamson Road is regional – not local, and businesses along Williamson Road serve primarily a regional market, not just adjacent neighborhoods.
- WRABA recognizes nodes of special development along Williamson Road; WRABA will work with the City to identify these nodes and assist in developing them as models and anchors for Williamson Road development; and implementation tools may include special zoning and financial incentives to developers and businesses.
- There should be few new commercial areas designated or zoned in the planning area, unless there are special circumstances requiring new commercial areas; and emphasis should be placed on redevelopment of existing commercial areas, not development of new areas.
- There should be a new way of thinking about parking in the Williamson Road area; there should be no reduction in thru-lanes on Williamson Road; and WRABA supports parking along Williamson Road in “sheltered”, off – street parking areas.

- There should be no designated bicycle lanes on Williamson Road; it is recognized that bicyclists have the right to use Williamson Road, but it is believed that bicycling on the street is too dangerous; having bike lanes is an invitation to bikers and with the current traffic and lane widths, it would be a potential disaster; and the use of less traveled back streets and bike paths is encouraged.

Ms. Plunkett advised that WRABA supports the Plan, as modified through discussions with City staff; the Plan is a positive step toward improving business and residential areas; and while there are still minor wording changes that WRABA would support, it is believed that the overall Plan represents the interests of residents, businesses and others who are interested in the appropriate development of the Williamson Road area.

Ed Armentrout, Chair of the committee appointed by WRABA to study the Williamson Road Area Plan, reiterated the remarks of Ms. Plunkett and Mr. Via. He advised that the motion of Council to defer action on the matter at its public hearing on August 16 reassured representatives of the Williamson Road area that Council and City staff were interested in receiving their input and continued involvement, not only in the development but also in the implementation of the Plan. He stated that City staff was responsive to the concerns expressed by WRABA and listened to comments and responded in a professional manner and when City staff disagreed, they explained the differences of opinion, all of which led to a thorough discussion about the future of Williamson Road. He expressed concern that other local governments are not holding the line on commercial rezoning by allowing businesses to be drawn off of Williamson Road and other older commercial districts to new parts of the region. He stated that a primary concern is that the Plan continues to leave vagaries about zoning and certain other substantive issues, but even with those concerns, Council is encouraged to adopt the Williamson Road Area Plan and move forward to the next step.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of bicycle lanes on Williamson Road.

Bill Tanger, Director, Roanoke Business Group (RBG), advised that RBG has reviewed changes to the Williamson Road Area Plan since it was presented to Council on August 16; and while there have been improvements to the Plan, it is still unacceptable to the Roanoke Business Group for the following reasons:

- The Plan is presented as though it comes from input from residents and businesses in the neighborhood, the “stakeholders”; however, it is largely a Planning staff plan imposed by the City on the neighborhood; numerous changes have been requested by stakeholders, and while some have been granted, many have been denied.

- Examples of building placement and how trees might mask utilities were to be part of the Plan; staff now wants to include these items in the printed final plan; and the purpose of illustrations or photos was to show the neighborhood how they might look before the neighborhood and Council adopted the Plan.
- The village center concept was not requested by the neighborhood and lacks sufficient research to include in the Plan at this time; village centers should be developed one at a time with great care and involvement from the community at all levels; much attention should be given to the specific application at the specific site which has not been done; the worst was proposed for the intersection of Plantation and Liberty Roads which have now been modified; RBG has not researched each proposed village center site, but believes that the proposed center at Courtland and Liberty Roads is a poorly chosen location and recommends that the location be deleted from the Plan, or relocated to the Villages at Lincoln which is a more appropriate location.
- The Plan continues to promote down zoning of C-2 to CN along Williamson Road and RBG believes that the new zoning designation should be CC, if limited to the choices given by the Planning Department; RBG continues to believe that a new "hybrid" zoning district category, incorporating the positive elements of CN and CC would be superior to CN or CC as currently proposed; the validity of the objections is best illustrated by the fact that Planning staff has recognized that the "nodes" need more flexibility than CN and therefore are designated for "general commercial" (CC) rather than CN which will help their chances of developing; and the need for flexibility is even more critical for the areas between nodes.
- The approach to parking in the Plan is still inadequate; the Plan should include a stronger recommendation for small public parking areas along Williamson Road; the City uses the term "public access" parking which is unclear; RBG believes that some of the parking should be "public" as in publicly owned; RBG is also opposed to additional parallel parking or angled parking on Williamson Road because the act of stopping to back into a parking space on Williamson Road is an unnecessary and undesirable risk and will further congest and constrict traffic on a major thoroughfare; the Plan should also include substantial park and ride parking areas along Williamson Road to better utilize the bus lines and reduce the need for more parking downtown.

- City Planners should move the issue of the Plantation Road bottleneck forward so that it is on the Long Range Transportation Plan “vision list”.
- Under “Strategic Initiatives, the Plan still reads, “The City of Roanoke is installing a landscaped center median in the area to improve the streetscape”; this should not be listed as though it was a part of the Plan and, in addition, the landscaped median has been completed.

For the above reasons, Mr. Tanger advised that the Roanoke Business Group remains opposed to the Williamson Road Area Plan as presented. He further referenced his letter to Council under date of August 11, 2004, for additional detail.

Ben Burch, representing the Airlee Court Neighborhood Watch Association, advised that the Neighborhood Association supports proposed changes to the Williamson Road Area Plan.

Mr. Carl Cooper, 3160 Round Hill Avenue, N. W., spoke in support of the Plan. While he does not agree with all of the changes that were proposed, he stated that overall, the Plan represents a fair compromise and moves the City forward toward creating world class neighborhoods, composed of businesses and residents who live and work well together. He called attention to the City’s Comprehensive Plan which calls for promotion of village centers within the Williamson Road area and advised that he was not sure that taking village centers out of the Plan was the best way to move forward. He spoke in support of multi model forms of transportation on Williamson Road and commended the City on its efforts to ensure that everyone was heard. He stated that while the Plan is not perfect, he would encourage adoption by Council inasmuch as the business community is getting much of what was requested, but it should also be considered that at the end of the day when businesses on Williamson Road close, there are still the residential neighborhoods behind Williamson Road where families live and children play that should be considered.

A communication from Doug Trout, President, Williamson Road Action Forum, advising that at a meeting of the Board of Directors on October 9, 2004, the Board voted to endorse the Williamson Road Neighborhood Plan which establishes a credible and useful framework for future development of the Williamson Road corridor. He stated that the Plan addresses some of the most persistent concerns of neighborhood residents, while taking a broad view of Williamson Road’s assets and sets out a comprehensive strategy for using those assets to achieve the full potential of the neighborhood.

He noted that the Plan lists the following high priority themes:

- Creates a network of unique and identifiable places,
- Changes land use patterns to respond to emerging commercial development patterns,
- Improves the appearance and function of streets, and
- Improves the design of new buildings and sites.

Members of Council commended businesses and residents of the Williamson Road area and City staff for working together to prepare a Plan that will serve the Williamson Road neighborhood well.

Question was raised with regard to bicycle lanes in the proposed Plan; whereupon, Mr. Townsend referred to Page 28 which identifies bikeway trails through the neighborhood. He clarified that the Plan does not state that bicycles are not welcome on Williamson Road, but does indicate that there are a number of other alternatives that can make the street safe for bicyclists and pedestrians, short of designated bicycle lanes, and the intent is to provide the bicycle rider with options in terms of whether they are a recreational bicyclist versus a commuter or commercial bicyclist. Therefore, he stated that the Plan is designed to provide numerous means by which persons who are not traveling by car can traverse the neighborhood.

Other discussion pertained to the potential undergrounding of utilities; whereupon, Mr. Townsend referred to Page 30 of the Plan and advised that presentations by representatives of American Electric Power (AEP) were made at a meeting of the Williamson Road Area Business Association in which AEP reviewed examples of costs associated with retroactively undergrounding utilities; and planning for the relocation of utilities remains a priority for the neighborhood and for the Williamson Road Area Business Association; however, it is understood in the short term, absent a change in funding policy through AEP or some other mechanism, that the relocation of utilities is a combination of overhead utilities in order to lessen the cost. He noted that the undergrounding concept has not been abandoned.

Question was raised as to how other localities achieve undergrounding of utilities; whereupon, Mr. Townsend advised that the primary method is through the reconstruction of streets, and the undergrounding of utilities in the City of Roanoke would occur in the event of a new subdivision.

There being no further discussion, Ordinance No. 36888-101804 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

#### OTHER BUSINESS:

**CITY CODE-TAXES:** A communication from the City Manager advising that in 1981, the City of Roanoke established a program allowing tax exemptions for the rehabilitation of residential, commercial, and industrial real property; applications from approximately 650 property owners have been received since that time; goals of the program are to encourage the renovation of real property, to revitalize aging and deteriorating structures, and to improve the conditions of the City's neighborhoods; revisions to the program were made in 2000; from that time through today, the City has seen a steady increase in the "before" and "after" assessed values of properties that have entered the program; in the year 2000, the average value of the residential properties prior to rehabilitation was \$24,565.00, by the end of 2003, the figure had increased to \$39,312.00; and the average assessed value of residential properties after rehabilitation has risen from \$64,913.00 in 2000 to \$105,960.00 in 2004.

It was further advised that over the past several months, there has been a review of the City's current eligibility requirements for the program, the intent of which was to develop recommendations to modify requirements by which a property owner can participate in the program; and on September 7, 2004, Council was briefed by the Director of Real Estate Valuation on the proposed changes for participation, which include the following recommendations:

- Establish a cap on the assessed value of residential real property, prior to rehabilitation, of no more than \$200,000.00; currently, no cap exists;
- Eliminate the restrictions on increased square footage on residential real property; currently, total square footage must not be increased by more than 15 per cent;
- Revise the restrictions on increased square footage on commercial and industrial real property such that total square footage of the structure cannot be increased by more than 100 per cent; currently, total square footage must not be increased by more than 15 per cent;
- Increase the application fee when a change in use will result in additional tax parcel numbers being created to \$50.00 for each additional tax map number created; currently, the application fee is \$50.00 for each property;

- For multi – use properties, require the residential portion to meet the eligibility requirements for commercial or industrial real property; currently, any property, the use of which is partially residential and partially commercial or industrial, is treated in its entirety for purposes of this division;
- For a residential structure with an assessed value below \$5,000.00, allow an exemption if the structure is demolished, provided that the replacement structure is a single-family residence with an assessed value of at least 120 per cent of the median value of other dwelling units in the neighborhood; the exemption shall not apply, however, when any structure demolished is a registered Virginia landmark, or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district; currently, an exemption shall not apply when any existing structure is demolished or razed and a replacement structure is constructed; and
- It was discovered after the September 7 Council briefing that the current program shall terminate on July 1, 2005, unless reenacted; an additional recommendation is to extend the expiration date to July 1, 2010; the proposal to extend the date five years will allow the City the opportunity to monitor and assess whether program goals continue to be met as a result of the proposed changes.

The City Manager recommended that Council adopt an ordinance amending the eligibility requirements for tax exemption based on the above referenced recommendations.

Mr. Fitzpatrick offered the following ordinance:

"An ORDINANCE amending and reordaining Division 5. Exemption of Certain Rehabilitated Property, consisting of §§32-93 through 32-101, of Chapter 32, Taxation, Code of the City of Roanoke (1979), as amended, by amending the eligibility requirements for tax exemption pursuant to this Division; establishing a cap on assessed value of residential real property prior to rehabilitation; eliminating the restrictions on increased square footage on residential, commercial and industrial real property; increasing the application fee when a change in use will result in additional tax parcel numbers being created; making certain other changes to the City's tax exemption program for rehabilitated real property; and dispensing with the second reading by title paragraph of this ordinance."

Mr. Fitzpatrick moved the adoption of the ordinance. The motion was seconded by Mr. Dowe.



A communication from the Director of Real Estate Valuation, recommending a further amendment to the guidelines, was also before the Council.

(For full text, see communication on file in the City Clerk's Office.)

Upon question, the City Manager advised that a survey of other cities comparable in size to the City of Roanoke through the Virginia First Cities Coalition (those cities with a population of 50,000 persons and over) revealed no cap on the assessed value of residential real property prior to rehabilitation.

There was discussion in regard to the feasibility of imposing a cap; whereupon, the City Manager called attention to two issues; i.e.: other communities designate specific neighborhoods for the program which are mainly depressed neighborhoods, and the City of Roanoke administers a City wide program. Secondly, she stated that other communities have retained the 15 per cent increase that the City of Roanoke is recommending to be eliminated on the amount of improvement square footage. She explained that under the current ordinance, there is no cap, but there is a restriction which provides that total square footage of the property may not be increased by more than 15 per cent, therefore, by enacting the 15 per cent cap, there is the same or a similar impact as if the total dollar value were capped. She called attention to the recommendation to eliminate the total square footage increase, and advised that to some extent one activity is being offset for the other. In the case of commercial and industrial property which currently has a 15 per cent square footage increase, the revised language currently before the Council would provide that square footage of the structure not increase more than 100 per cent, which is 85 per cent more than the City is currently offering. She advised that the program was originally structured as a way to bring monies into depressed areas of a community.

The Director of Real Estate Valuation advised that in reaching a consensus on where to draw the cap and in order to stay within the intent and goals of the program, the Committee that was appointed to study the program discovered that seven per cent of housing stock in the City of Roanoke falls in the category of over \$200,000.00 and 20 per cent of housing values are \$250,000.00 and above. Therefore, she stated that the Committee was of the opinion that those property owners would make the necessary improvements without the benefit of the rehab program.

Council Member Wishneff made the observation that those are the neighborhoods that the City should protect because that 20 per cent represents the financial foundation of the entire City of Roanoke. He referred to the Housing Strategic Plan which is currently underway by K. W. Poore and Associates and Development Strategies, Inc., and advised that any changes to the rehab program should be held in abeyance pending receipt of the recommendations by the consultants.

Following further discussion, Ms. McDaniel moved that action on the ordinance be tabled pending receipt of the overall housing strategy study. The motion was seconded by Mr. Wishneff.

The City Manager called attention to two issues which, with the concurrence of Council, are requested for action and are not directly related to the housing issue; i.e.: changes in commercial/industrial and multi – use properties, two of which are currently pending that involve two or more uses that are intended for a single structure. She stated that tabling the ordinance until the Housing Strategic Plan has been completed would create a disadvantage with regard to those specific properties since the time line for the Housing Strategic Plan calls for presentation to the Council in January 2005.

Following further discussion, it was the unanimous consensus of the Council to table the ordinance until the next regular meeting of Council on Monday, November 1, 2004, at which time Council will consider a revised ordinance pertaining to commercial/industrial and multi-use property.

It was the further consensus of the Council that the remainder of proposed revisions to the property rehabilitation program will be held in abeyance pending receipt of the Housing Strategic Plan.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

ARMORY/STADIUM-VALLEY VIEW MALL: Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of appointing a representative to the Stadium Study Committee who is 30 years of age or younger. He inquired about the condition of the drainage system at Victory Stadium. He also inquired about construction of the bridge at Valley View Mall to I-581 which has not been completed and suggested that the funds that were previously allocated for the new stadium/amphitheater at Orange Avenue and Williamson Road be used to complete the Valley View Bridge.

POLICE DEPARTMENT-ANIMALS/INSECTS: Mr. Joe Schupp, 2323 South Jefferson Street, a former member of the Wildlife Task Force, spoke with regard to implementation of an archery program to address the City's deer over population problem. He advised that a recommendation of the Task Force included implementation of an urban archery program using volunteer trained archery hunters to remove excess deer and a sharp shooting program through the Police Department to complement the archery program. He spoke in support of the sharp shooting program which was implemented, but expressed concern that the urban archery program was not implemented, and advised that one component will not work without the other.

COMPLAINTS-REFUSE COLLECTION-HOUSING/AUTHORITY: Mr. Robert Gravely, 729 Loudon Avenue, N. W., spoke with regard to housing needs in the City of Roanoke. He called attention to unsightly litter on Roanoke's streets and referred specifically to Orange Avenue, Williamson Road, Liberty Road and 10<sup>th</sup> Street.

POLICE DEPARTMENT-TRANSPORTATION SAFETY-BICYCLISTS: Mr. Rick Williams, 3725 Sunrise Avenue, N. W., spoke in support of the geographic policing program in the Williamson Road area. He expressed concern with regard to speeding on Williamson Road and advised that Roanoke's judicial system does not take seriously the situation of a motorist driving 60 miles per hour in a 35 miles per hour zone. When addressing accommodations for bicyclists, he suggested that bicyclists be consulted with regard to their needs and that the City not rely solely on the advice of those persons who believe they know what is necessary in terms of making streets safe and accommodating for bicyclists.

There being no further business, the Mayor declared the meeting adjourned at 8:45 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker  
City Clerk

C. Nelson Harris  
Mayor

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